

REMARKS

This Amendment is submitted in response to the Office Action dated October 6, 2004, having a shortened statutory period set to expire January 6, 2005. Claims 1, 9 and 7 have been amended, claims 2, 10 and 18 have been cancelled, and claims 25, 26 and 27 have been added.

Claim rejections under 35 U.S.C. § 102

In the present Office Action, Claims 1-2, 9-10, and 17-18 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Westerinen et al.*, (U.S. Patent No. 6,119,185 – hereinafter referred to as “*Westerinen*”). After careful consideration of Examiner’s remarks, Applicant has cancelled Claims 2, 10, and 18 and amended Claims 1, 9, and 17. Applicant believes that Claims 1, 9, and 17, as now amended, are not rendered unpatentable by *Westerinen* and respectfully traverses Examiner’s rejection in view of the arguments submitted herein.

Regarding rejections under 35 U.S.C. § 102, anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. *RCA Corp. v. Applied Digital Data Systems, Inc.*, 730 F.2d 1440, 221 USPQ 385 (Fed. Cir. 1984); *W.L. Gore and Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

Regarding Claim 1, nothing in *Westerinen* teaches or suggests:

determining if an operable current configuration of a plurality of hardware adapters and an interconnect of said data processing system is optimized for system performance utilizing testing criteria, *wherein said determining includes determining if said operable current configuration maximizes data transfer rate between said plurality of hardware adapters and said interconnect.*

Referring to “Table I- Configuration Rules” in *Westerinen* (col. 6, lines 30-61), the rules disclosed in the table refer to the allocation of system resources, such as IRQs, among devices. Nothing in *Westerinen* teaches or suggests the maximizing of a data transfer rate between hardware adapters and an interconnect.

In light of the preceding argument, Applicant believes that independent Claim 1, and similar Claims 9, 17, and all dependent claims are not anticipated by *Westerinen*.

Claim rejections under 35 U.S.C. § 103

In the present Office Action, Claims 1, 9, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schran et al.*, (U.S. Patent Application 2002/0138443 – hereinafter referred to as “*Schran*”). After careful consideration of Examiner’s remarks, Applicant has cancelled Claims 2, 10, and 18 and amended Claims 1, 9, and 17. Applicant believes that Claims 1, 9, and 17, as now amended, are not rendered unpatentable by *Schran* and respectfully traverses Examiner’s rejection in view of the arguments submitted herein.

Regarding Claim 1, while *Schran* discloses a system and method for assisting “users in determining the best network configuration settings to achieve optimal network performance based on specified user preferences” (page 1, paragraph 0004), nothing in *Schran* teaches or suggests:

determining if an operable current configuration of *a plurality of hardware adapters and an interconnect of said data processing system is optimized for system performance utilizing testing criteria*, wherein said determining includes determining if said operable current configuration maximizes data transfer rate between said plurality of hardware adapters and said interconnect.

Clearly, “network configuration settings” does not teach or suggest optimizing “configuration of a plurality of hardware adapters and an interconnect.” For example, *Schran* discloses that:

Network configuration settings may include latency, ping time, network connection stability, Maximum Transmission Unit (MTU), Maximum Segment Size (MSS), Receive Window (RWIN), Time To Live (TTL), Black Hole Detection, Auto Discovery of Path MTU, packet size, upload throughput speed and download throughput speed.

The Specification of the pending Application clearly indicates that the "configuration of a plurality of hardware adapters and an interconnect" refers to physical connections between hardware adapters and an interconnect (Specification, page 7, lines 17-25).

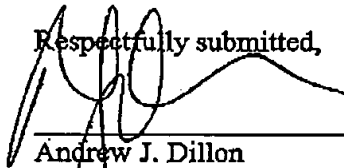
Applicant has entered three claims (Claims 25-27) that clarify the meaning of the term "configuration". As referenced above, and upon further review of *Schran*, nothing in *Schran* teaches or suggests the configuration of physical connections to an interconnect.

In light of the preceding argument, Applicant believes that independent Claim 1, and similar Claims 9, 17, and all dependent claims are not rendered unpatentable by *Schran*.

No extension of time is believed to be required. However, in the event that an extension of time is required, please charge that extension fee and any other required fees to **IBM Corporation Deposit Account Number 09-447**.

Application respectfully requests the Examiner contact the undersigned attorney of record at (512) 343-6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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